UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK
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YVROSE JEAN-BAPTISTE,

Civil Action No.: 07CV3535 (FB)(CLP)

> AFFIDAVIT OF YVROSE JEAN-BAPTISTE

-against-

NYC DEPARTMENT OF EDUCATION, DINA KOSKI, DEBRA GERSHMAN,	
Defer	ıda

YVROSE JEAN-BAPTISTE, being sworn states:

- I am the Plaintiff in the instant action, and a former, full-time employee of
 Defendant NYC Department of Education ("NYCDOE") as an elementary school
 teacher.
- 2. Since 2003, I worked at P.S. 26, where defendants Koski and Gershman are Principal and Assistant Principal, respectively.
- 3. I am Black and of Haitian descent.
- 4. At all times herein relevant, I possessed a current, valid Early Childhood Education certificate/licensure.
- 5. Prior to commencing work at P.S. 26, defendant Koski called me by telephone and attempted to persuade me not to report to work at P.S. 26, which I was transferred to pursuant to an Integration transfer.

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- Throughout my tenure at P.S. 26, defendants Koski and Gershman subjected me
 to treatment and discipline to which similarly situated white teachers were not
 subject.
- 7. This included almost daily, unannounced observations of my teaching sessions; almost daily review of my lesson plans; summonsing students of mine to the Principal's office during class sessions to examine those students' assignments and work product; and assigning me to teach classes outside of my licensure area and/or as a substitute teacher, when similarly situated white teachers without my certification were given my grade levels and not required to perform as a substitute teacher. I was also forced to work with coaches that I neither wanted nor required.
- 8. Prior to working at P.S. 26 with defendants Koski and Gershman, I had never been "written up" nor formally disciplined by defendant NYCDOE.
- At all times herein relevant, my classroom and its contents were more than adequate and appropriate for my students.
- 10. During my tenure at P.S. 26 while in the employ of defendants, I have performed my job satisfactorily as reflected by my annual evaluations. (Attached as Exhibit "1").
- 11. Now that this lawsuit is pending, and in retaliation therefor, defendant Koski gave me an Unsatisfactory rating for my 2007-2008 annual evaluation. (Attached as Exhibit "2").
- 12. It is now clear to me why P.S. 26 lacked minority staff and was thus a school that participated in the Integration transfer program. Given the treatment I received at

the hands of defendants Koski and Gershman, other minorities would not want to work there.

Yvrose Jean-Baptiste

Muche Dear-Baptiste

Sworn to before me this 23

Notary Public
DAVID C. WIMS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02W16107747
Qualified in Kings County
Commission Expires August 18, 2012

6463939552

EXHIBIT 1

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 20 2009 10:09AM P3



NEW YORK CITY BOARD OF EDUCATION DIVISION OF PERSONNEL OFFICE OF APPEALS AND REVIEWS 85 COUR SIZEM, BROOKLYN, New York 11201 BE/OOP 99558 (S/87) pers d1 (Replaces OP 118)

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE JOHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SCICAL MONER PHAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SCENETARY)

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From 9/7/04 to 6/28/05	DATE	DATE SIGNATURE OF EMP

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 28 2009 10:08AM P2

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SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR: UNSATIS ADDITIONAL COMMENTS SATIS-COMMENTS (as checked, "NA" indicates "Not Applicable.") A. PERSONAL AND PROFESSIONAL QUALITIES Attendance and punctuality Personal appearance Voice, speech and use of English Professional attitude and professional growth Resourcefulness and initiative B. PUPIL GUIDANCE AND INSTRUCTION 1. Effect on character and personality growth of pupils 2. Control of class 3. Maintenance of wholesome classroom almosphere .4. Planning and preparation of work 5. Skill in adapting instruction to individual needs and capacities Effective use of appropriate methods and techniques Skill in making class lessons interesting to publis 8. Extent of pupil participation in the class and school program 9. Evidence of pupil growth in knowledge, skills, appreciations and attitude 10. Attention to pupil health, safety and general welfare C. CLASSROOM OR SHOP MANAGEMENT Attention to physical conditions Housekseping and appearance of room Care of equipment by teacher and children Attention to records and reports Attention to routine matters D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES Maintenance of good relations with other teachers and with supervisors Effort to establish and maintain good relationships with parents Willingness to accept special assignments in connection with the school program E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached)

SECTION 2 - PERFORMANCE EV	ALUATION	ACKNOWLEDGMENT BY EMPLOYEE
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FROM : Y JEAN EAPTISTE

PHONE NO. : 7184685648

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SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or D

(D for first year probation only)

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ACKNOWLEDGMENT BY EMPLOYEE

I have received this report on:

For the period:

b/27/07

B. Z. G. Ed. d

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EXHIBIT 2

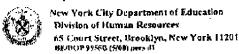
EXHIBIT 2

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 23 2009 03:01PM P1

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Attention to physical conditions
 Housekeeping and appearance of room
 Care of equipment by teacher and children
 Attention to records and reports

D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES

Maintenance of good relations with other teachers and with sugervisors
 Effort to establish and maintain good relationants with parents
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Ms Jean Bap

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE

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(Continued...Please go to page 2)